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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,455	03/29/2002	Klaus Beck	2101.GLE.PT	2537

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EXAMINER
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RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

10/018,455

Applicant(s)

BECK ET AL.

Examiner

Ruth C Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-49 is/are pending in the application.
- 4a) Of the above claim(s) 16-19, 22, 24, 30, 31, 35, 37-41, 43, 47 and 49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 20, 21, 25-27, 32, 34, 36 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 23, 28, 29, 33, 42 and 48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species V in Paper No. 12 is acknowledged. The traversal is on the ground(s) that the various embodiments are not so diverse that distinct or extensive searching is required. This is not found persuasive because the different embodiments do require the search of various distinct features and the search required for these features is not required for the single general inventive concept.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 16-19, 22, 24, 30, 31, 35, 37-41, 43, 47 and 49 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 12. Upon allowance of a generic or linking claim, the rejoinder of the withdrawn claims is possible.

### ***Claim Objections***

3. Claim 15 is objected to because of the following informalities:

- Claim 15 should begin with a capital letter and end with a period. Periods are not allowed between the beginning of the claim and the ending period. Claim 15, line 13, the period between "state" and "is" should be deleted.

- Claim 34, line 6, the comma between “opening” and the semicolon should be deleted.

- Claim 34 recites the limitation “the lower hinge lobe” between lines 10 and 11. There is insufficient antecedent basis for this limitation in the claim.

- Claim 34 recites the limitation “the sleeve” in line 12. There is insufficient antecedent basis for this limitation in the claim.

- Claim 34 should begin with a capital letter and end with a period. Periods are not allowed between the beginning of the claim and the ending period. Claim 15, line 14, the period between “state” and “is” should be deleted.

Correction is required.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 20, 21, 25-27, 32, 34, 36 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent Document GB 2 139 692 A (GB ‘692) in view of Kluge et al. (US 6,106,077).

GB ‘692 discloses a screw connection comprising a screw and a sleeve. The screw has a screw head and a screw shank that extends through a first through opening in an upper hinge

lobe, extends through a second through opening in the middle hinge lobe and a thread permits the screw shank to be screwed into the lower hinge lobe. The sleeve surrounds the screw shank, has elastic properties and interacts with the upper and middle hinge lobes when the screw is in the screwed-in state. The diameter of the second through opening is less than or equal diameter of the first through opening. The screw has at least one bearing surface. GB '692 fails to disclose that the improvement comprises that the screw shank has an annular collar that in the screwed-in state is situated in the middle lobe. However, Kluge teaches a screw (1) comprising a screw head (2), a screw shank (3), a sleeve (5) and an annular collar (12). The sleeve surrounds the screw shank (Figs. 1 and 3). The screw has at least one bearing surface (Figs. 1-3). The screw shank has an annular collar. The annular collar holds the sleeve in its position so that it cannot be lost. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have annular collar taught by Kluge in the screw connection disclosed by GB '692 where the collar is situated in the middle hinge lobe when screw is in a screwed-in state. Doing so, will prevent the sleeve from becoming lost since the collar will hold the sleeve in position.

Klunge also teaches that:

- The annular collar acts as a guide collar (Figs. 1-3).
- The sleeve when viewed crosswise to the longitudinal extension of the screw is disposed so as to project at least partially over the annular collar (Fig. 3).

GB '692 also disclose that:

- The sleeve on its end opposite from the annular collar is constructed to be supported directly on the underside of the screw head or on a cylindrical projection (Figs. 4-10).

- The diameter of the screw head or the diameter of the projection is less than the diameter of the first through opening (Figs. 7 and 9).
- The sleeve in the screwed-in state is deformed in such a way that the sleeve material is pressed into the annular space formed between the screw shank and the second through opening (Figs. 4-10).
- The second through opening has an annular-shaped cross section (Figs. 4-10).

GB 692 discloses a screw connection comprising at least two hinge parts, a screw and a sleeve. The at least two hinge parts engage one inside the other and have an upper hinge lobe with a first through opening and at least one middle hinge lobe having a second through opening. Each of the through openings have a diameter and the diameter of the second through opening is less than or equal to the diameter of the first through opening. The screw interconnects the at least two hinge parts. The screw has a screw head and a screw shank that extends through a first through opening in an upper hinge lobe, extends through a second through opening in the middle hinge lobe and a thread permits the screw shank to be screwed into a lower hinge lobe. The screw has a screwed-in state. The screw has at least one bearing surface. The sleeve surrounds the screw shank, has elastic properties and interacts with the upper and middle hinge lobes when the screw is in the screwed-in state. GB 692 fails to disclose that the screw shank has an annular collar that in the screwed-in state is situated in the middle lobe. However, Kluge teaches a screw (1) comprising a screw head (2), a screw shank (3), a sleeve (5) and an annular collar (12). The sleeve surrounds the screw shank (Figs. 1 and 3). The screw has at least one bearing surface (Figs. 1-3). The screw shank has an annular collar. The annular collar holds the sleeve in its position so that it cannot be lost. Therefore, it would have been obvious to one having ordinary

skill in the art at the time the invention was made to have annular collar taught by Kluge in the screw connection disclosed by GB '692 where the collar is situated in the middle hinge lobe when screw is in a screwed-in state. Doing so, will prevent the sleeve from becoming lost since the collar will hold the sleeve in position.

The sleeve disclosed by GB '692 engages a longitudinal section (Figs. 4-10).

### *Allowable Subject Matter*

6. Claims 23, 28, 29, 33, 42 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bouchard (US 2,412,120), Ellis (US 2,678,585), De Angelis (US 2,828,668), Ferron (US 2,939,168), Nakamura (US 4,076,394), French Patent Document FR 0 345 145 A1, European Patent Document EP 0 384 289 A2, Japanese Patent Document JP 02283910 A and International Patent Document WO 94/28454 are cited to show state of the art with respect to screw connections having some of the features claimed in the current application.

Malen et al. (US 5,308,285) and Tschunko et al. (US 6,478,521 B1) are cited to show state of the art with respect to screws having a collar.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before after and final communications is (703) 872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:



(Signature)

WILLIAM L. MILLER  
PRIMARY EXAMINER